

## REMARKS

Claims 8-22 are pending in the present application. Reconsideration of the claims is respectfully requested.

### I. 35 U.S.C. § 102, Anticipation

The Examiner rejected Claims 8-22 under 35 U.S.C. § 102 as being anticipated by Kim (US Patent No. 6,205,284 B1). This rejection is respectfully traversed.

For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) (emphasis added). Applicants will now show that every element of each of the inventions recited in Claims 8-22 is not identically shown in a single reference, and thus Claims 8-22 are not anticipated by the cited reference.

First, a general overview of the present invention as recited in Claim 8 is in order. Certain types of programming are transmitted in a compressed format, such that the time it takes to transmit a program is less than the normal 'play' or 'view' time of the program. It is therefore possible to transmit a given program multiple times within a given broadcast time zone. This can be seen in Figure 1 of the present application. Program 'a', having a broadcast time length of  $t_a$ , is broadcast at four different times on channel #1 as shown at #1, #2, #3 and #4 of CH#1. As also shown in Figure 1, program 'b', having a broadcast time length of  $t_b$ , is broadcast at three different times on channel #2 as shown at #1, #2 and #3 of CH#2. Because the broadcast *transmits the same data repeatedly* during a given broadcast time zone, it is possible to record, with associated priority being given to such recording, both program 'a' and program 'b' notwithstanding that their broadcast time zones overlap in time with one another. Figure 2 shows the overlap between the broadcast time zones for program 'a' and program 'b' without showing the details of the duplicative and repetitive broadcasting of the individual programs having a time length of  $t_a$  and  $t_b$  as is shown in Figure 1. This is also known as a temporal overlap between program 'a' and program 'b'.

Individual programs which temporally overlap are logically grouped together into a group (a.k.a. a virtual group), as these individual programs cannot have duplicate

priorities due to their temporal overlapping nature – otherwise a situation could result where two programs being broadcast at the same time have the same priority and thus cause ambiguity in which program should be recorded. This grouping facilitates prioritization, and allows for priorities to be assigned to both the groups themselves, and to individual programs within the group(s).

With respect to Claim 8, such claim recites a claimed feature of “reservation accepting means for accepting reservation requests of one or more data broadcast programs that are *sequentially and repetitively transmitted in groups* over ones of multiple channels such that programs in different channels can overlap each other in time”. As can be seen, the broadcast programs are sequentially and repetitively transmitted in groups. This is shown in a preferred embodiment in Applicants Figure 1, where program ‘a’ is sequentially and repetitively transmitted four times over channel #1 (shown at #1, #2, #3 and #4), and program ‘b’ is sequentially and repetitively transmitted three times over channel #2 (shown at #1, #2 and #3). The cited reference does not teach or otherwise suggest this sequentially and repetitive transmission of a data broadcast program. In rejecting this aspect of Claim 8, the Examiner cites Kim col. 1/lines 35-40 for overlapped programs, and Fig. 3, col. 3/line 60 to col. 4/line 20 for reservation accepting and settings. Applicants urge that Claim 8 does not merely recite overlapped programs, but goes further and recites that the data broadcast programs are sequentially and repetitively transmitted. The cited reference does not teach such repetitive transmission of a data broadcast program, and thus it is urged that Claim 8 has been erroneously rejected under 35 USC 102(b) as every element of the claimed invention is not identically shown in a single reference.

Further with respect to Claim 8, such claim recites “priority assigning means for assigning a unique recording priority to each group and to each program within a group such that all of the reserved repeating programs can be recorded in sequence according to the assigned priorities”. As can be seen, a unique recording priority is assigned to each group (the group being defined as one that contains programs that interfere with each other with respect to recording) and to each program within a group. The cited reference does not teach or otherwise suggest assigning priorities to both the groups and the programs within the group. In rejecting this aspect of Claim 8, the Examiner cites Kim

Figures 4a & 4b as teaching that channels can be grouped together based on their assigned priority from the user and even to different programs on different channels of different programs on the same channel. Applicants urge that even assuming that the cited reference teaches grouping of channels together based on their individual assigned priority from the user, such allegation does not establish any teaching of assigning a priority to such channel grouping itself. Further, there would be no reason to assign a priority to a group of channels, as it would serve no purpose. Kim's single-level priority completely satisfies the needs of Kim by matching a set sequence of the recording reservation data or a sequence of the recording data and time contained in the recording reservation data (col. 4, lines 37-43). In other words, Kim's priority is merely with respect to either (i) a set sequence, or (ii) the recording date and time sequence (the next program to be recorded in date/time chronology is the highest priority), and thus there is no reason or other motivation to include a hierarchical priority arrangement as per the present invention. In contrast, because the present invention enables multiple programs/channels to be recording during a given broadcast time zone – because they are repetitively broadcast within such broadcast time zone - it is advantageous to provide a hierarchical priority scheme such that not only are individual programs/channels assigned a priority, but in addition the channels can be grouped and a priority assigned to the group itself (which is in addition to the priority assigned to the individual programs/channels). Thus, it is further urged that Claim 8 is not anticipated by the cited reference, as such reference does not teach (or otherwise suggest) the claimed hierarchical priority scheme pertaining to both individual programs and group(s) of programs.

Applicants initially traverse the rejection of Claims 9-11 for reasons given above with respect to Claim 8 (of which Claims 9-11 depend upon).

Further with respect to Claim 11, such claim recites "means for identifying reserved programs that overlap directly with each other or that indirectly overlap via another reserved program" and "means for placing all such directly or indirectly overlapping programs in the same group". As can be seen, a means is provided for identifying reserved programs that either (i) overlap directly with each other, or (ii) indirectly overlap via another reserved program. These claimed features advantageously

provide a unique grouping of related programs such that this group can be assigned a priority with respect to other of such groups. In rejecting Claim 11, the Examiner cites Kim's teaching at col. 1/lines 27-40 as teaching both of these claimed features.

Applicants show that there, Kim states:

"The VCR or TVCR has a function capable of executing a reserved recording according to an actual broadcasting time by continuously checking whether a recording execution has been performed with respect to reserved broadcasting programs, using the received program identification information. The above function is called a video programming system (VPS) in the European broadcasting system and is called a Korea broadcasting program system (KBPS) in the Korean broadcasting system.

According to the VPS, program identification information about a program is overlapped on the 16th horizontal line contained in a vertical blanking section of a broadcasting signal. As a result, a receiving end can record a desired broadcasting program based on the information."

While this cited passage may describe a technique for identifying reserved programs, that is where the similarity ends as Claim 11 specifically recites means for identifying reserved programs *that overlap directly with each other or that indirectly overlap via another reserved program*. The cited reference makes no determination as to any type of overlap (either directly or indirectly) between programs, and thus does not teach any means for identifying reserved programs *that overlap directly with each other or that indirectly overlap via another reserved program*. The passage cited in rejecting Claim 11 merely describes use of program identification information that is included in a vertical blanking section of a broadcast signal, and this information is used to identify a program that is currently being broadcast. It is thus further urged that Claim 11 is not anticipated by the cited reference.

Applicants further urge that this cited passage makes no mention of any type of program grouping, and thus it necessarily follows that there is no teaching or suggestion of the claimed feature of "means for placing all such directly or indirectly overlapping programs in the same group", as expressly recited in Claim 11. Therefore, Claim 11 is

not anticipated by the cited reference as there are additional claimed features which are not taught by the cited reference.

Applicants traverse the rejection of Claims 12, 13 (and dependent Claims 14-16), 17 (and dependent Claims 18-20) and 20 (and dependent Claim 21) for similar reasons to those given above with respect to Claim 8.

Applicants further traverse the rejection of Claims 16 and 20 for similar reasons to the further reasons given above with respect to Claim 11.

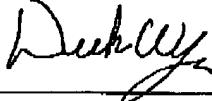
Therefore, the rejection of Claims 8-22 under 35 U.S.C. § 102 has been overcome.

## II. Conclusion

It is respectfully urged that the subject application is patentable over the cited reference and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 8/9/05

Respectfully submitted,



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